

REMARKS

Favorable reconsideration and allowance are respectfully requested for Claims 6-13 in view of the foregoing amendments and the following remarks.

Responsive to the election requirement, the species of Figures 1 and 2 is hereby provisionally elected. Currently Claims 6, 11, and 13 are generic, and Claim 7 is readable on species A of Figures 1 and 2. Upon allowance of the generic claims, it is respectfully requested that the claims of the non-elected species be reinstated and allowed.

Responsive to the rejections under 35 U.S.C. §112, second paragraph, by way of the foregoing amendment, the rejections are obviated. Regarding the vehicle floor, when the ramp is in a lowered position, the ramp forms one surface with the vehicle floor, as seen in Figure 2, and is accommodated by a section that is lower than the vehicle floor. The "where and how" of where the door is structurally located and mounted is not claimed and is the subject of the Specification. Likewise, the means to secure the ramp in an upright position has not been claimed. The Specification gives a specific example how the hinge action can be blocked. Where this vertically displaceable pivot mounting is structurally located is contained in the Specification and it is not claimed. The function of the at least one vertically displaceable pivot mounting is to connect the ramp to the vehicle. Accordingly, withdrawal of the rejections is respectfully requested.

Claims 6, 7, 11 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over GB '152 in view of Ressler or FR '362. Claims 8-10 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over GB '152 in view of

Ressler or FR '362 and further in view of JP '670 or SU '672. These rejections are respectfully traversed.

This invention relates to a vehicle with a ramp for a wheelchair. The ramp pivots about a connection from a lowered position, in which the ramp forms one surface with the vehicle floor and is accommodated by a floor section that is lower than the vehicle floor, towards the ground to assist movement of the wheelchair when an associated door is open. The pivotable connection is arranged at the outside of the floor section. The floor section serves as a load surface for the wheelchair, and the ramp remains in a secured upright position when the floor section is occupied by the wheelchair.

The advantage over the prior art is that the design and arrangement of the ramp provide that the vehicle cannot be identified as a vehicle for handicapped persons when no wheelchair is being carried and, at the same time, loading and unloading is made considerably easier while achieving good utilization of space.

A *prima facie* case of obviousness has not been established regarding GB '152 in view of Ressler or FR '362. In order to establish a *prima facie* case of obviousness, first there must be some suggestions or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. GB '152 relates generally to low-floor buses, wherein the floor of the bus is positioned at a lower height than that of normal buses. The ramp in GB '152 is used solely for ingress and egress for the bus and is not meant to be a load-bearing surface for a wheelchair. The ramp in GB '152 allows a gap between a curb and a bus to be bridged. In contrast thereto, Ressler and FR '362 relate to a vehicle without a

much space as a bus, as in GB '152. Ressler and FR '362 are directed towards the lack of space available in a smaller vehicle. In addition, GB '152 pertains to low-floor buses with so-called "kneeling suspensions", wherein when the vehicle is stationary the suspension is able to be operated to lower the entrance/exit door of the vehicle to a position closer to the ground than it normally assumes when the vehicle is being driven. Since features such as these are not found in the vehicle of Ressler or FR '362, the ramp in GB '152 is wholly specific to a different type of vehicle than claimed. Thus, no reasonable expectation of success can be assumed for modifying GB '152 as in the combination. The motivation to combine was given in that it would have been obvious to have mounted a ramp pivotably outside the floor section depending on the requirements of the vehicle and to have placed the ramp in an upright secured position in order to provide space for the wheelchair, as taught by the secondary references. However, as pointed out, GB '152 relates to a bus and thus the requirements of the vehicle are different. No extra space is required for a wheelchair on a bus. As can be seen from Figure 1 in GB '152, the ramp is at a very low angle and is merely provided to bridge a gap between a curb and a vehicle. Additionally, to have placed the ramp in an upright secured position to provide space for the wheelchair would change the principle of operation of GB '152 in that, with the ramp blocking the exit door, the bus would lose its intended purpose. Likewise, for placing a wheelchair on the secondary surface of the ramp. With the inventions of GB '12 and FR '326/Ressler directed toward specific vehicle requirements, to suggest that the motivation to combine depends on the requirements of the vehicle does not provide an inquiry of the claimed invention as a whole. The inventions are specific to the vehicle types and requirements and the motivation to combine is improperly suggested as modifying one due to the vehicle requirements of the other. Thus, it is respectfully submitted that the motivation to combine is improper, there is no reasonable expectation of success

and, therefore, a *prima facie* case of obviousness has not been established. Accordingly, withdrawal of the rejections is respectfully requested.

Since Claims 7-10 and 12 depend from Claims 6 and 11, respectively, Claims 7-10 and 12 are also patentably distinguishable over the cited references. Withdrawal of the rejections is respectfully requested.

In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this would expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/49626).

Respectfully submitted,



Donald D. Evenson
Registration No. 26,160
William G. Ackerman
Registration No. 45,320

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 628-8800
Facsimile No.: (202) 628-8844
DDE:WGA:sbh

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO THE CLAIMS

IN THE CLAIMS

Please amend Claims 6, 9, and 13 as follows:

6. (Amended) A vehicle with a ramp for a wheelchair, the ramp pivoting about a connection from a lowered position, in which the ramp forms one surface with [the] a vehicle floor and is accommodated by a floor section that is lower than the vehicle floor, towards the ground to assist movement of the wheelchair when an associated door is open, the pivotal connection being arranged at the outside of the floor section,

wherein the floor section serves as a load surface for the wheelchair, and the ramp remains in a secured upright position when the floor section is occupied by the wheelchair.

9. (Amended) A vehicle according to Claim 8, wherein [the] a hinge action of the hinge can be blocked when the ramp is in the secured upright position.

13. (Amended) A method of making a vehicle with a ramp for a wheelchair, comprising [the steps of]:

providing a vehicle floor with a lowered floor section serving as a load surface for the wheelchair, and

pivots connecting a ramp at the outside of the floor section so the ramp swings towards a road surface to assist movement of the wheelchair when an associated door is open,

wherein the ramp in a lowered position forms one surface with the vehicle floor and is accommodated by the lowered floor section, and the ramp

remains in a secured upright position when the lowered floor section is occupied by the wheelchair.